

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH AND GAME**

**Call to Order:** Chair John Brenden, on January 25, 2011 at 3:00 PM, in Room 422  
Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. John Brenden, Chairman (R)  
Sen. Joe Balyeat, Vice Chairman (R)  
Sen. Debby Barrett (R)  
Sen. Tom Facey (D)  
Sen. Steven Gallus (D)  
Sen. Bradley Hamlett (D)  
Sen. Greg Hinkle (R)  
Sen. Larry Jent (D)

**Members Excused:** Sen. Jim Shockley (R)  
Sen. Art Wittich (R)

**Members Absent:** None

**Staff Present:** Joe Kolman, Legislative Branch  
Kevin McCue, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 135, 1/21/2011

Executive Action: SB 135 - Do pass as amended  
SB 90 - Do pass as amended  
SB 92 - Do pass as amended  
SB 136 - Do pass as amended  
SB 160 - Do pass as amended

**HEARING ON SB 135**

**Opening Statement by Sponsor:**

00:03:33 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 135, Clarify use of dogs to track wounded game animals.

[EXHIBIT\(fis19a01\)](#)

[EXHIBIT\(fis19a02\)](#)

[EXHIBIT\(fis19a03\)](#)

[EXHIBIT\(fis19a04\)](#)

[EXHIBIT\(fis19a05\)](#)

**Proponents' Testimony:**

00:09:50 Joelle Selk, Traditional Bow Hunters of Montana

00:10:11 Jim Kropp, Law Enforcement Chief, Fish, Wildlife and Parks (FWP)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:11:04 Sen. Hamlett

00:11:36 Sen. Balyeat

00:12:52 Jim Kropp, FWP

00:13:20 Sen. Gallus

00:13:49 Jim Kropp

**Closing by Sponsor:**

00:14:27 Sen. Balyeat

**EXECUTIVE ACTION ON SB 135**

00:15:25 **Motion:** Sen. Facey moved that **SB 135 DO PASS**.

00:15:41 **Motion/Vote:** Sen. Balyeat moved that **SB 135 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy. (See Exhibit 3)

00:16:31 **Motion/Vote:** Sen. Facey moved that **SB 135 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy.

**EXECUTIVE ACTION ON SB 90**

00:18:22     **Motion:** Sen. Balyeat moved that **SB 90 DO PASS.**

00:19:05     **Motion:** Sen. Balyeat moved that **SB 90 BE AMENDED.**

**EXHIBIT**(fis19a06)

**Discussion:**

00:19:23     Joe Kolman  
00:21:19     Sen. Brenden  
00:21:30     Sen. Barrett  
00:22:11     Joe Kolman  
00:22:52     Sen. Balyeat  
00:24:02     Sen. Facey  
00:24:31     Joe Kolman  
00:25:06     Sen. Balyeat

00:25:45     **Vote:** Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy.

00:25:55     **Motion:** Sen. Balyeat moved that **SB 90 DO PASS AS AMENDED.**

**Discussion:**

00:26:04     Sen. Facey  
00:26:52     Joe Kolman  
00:27:37     Sen. Barrett  
00:29:04     Joe Kolman  
00:30:11     Sen. Gallus  
00:30:44     Sen. Brenden  
00:31:34     Joe Maurier, Director, Fish, Wildlife and Parks (FWP), without objection from the committee

00:34:31     **Vote:** Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy.

**EXECUTIVE ACTION ON SB 92**

00:35:30     **Motion:** Sen. Jent moved that **SB 92 DO PASS.**

00:35:52     **Motion/Vote:** Sen. Jent moved that **SB 92 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy.

**EXHIBIT**(fis19a07)

00:36:10     **Motion:** Sen. Jent moved that **SB 92 DO PASS AS AMENDED.**

**Discussion:**

00:37:17 Sen. Jent  
00:41:44 Sen. Brenden

00:42:08 **Vote:** Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy.

**EXECUTIVE ACTION ON SB 136**

00:43:07 **Motion:** Sen. Balyeat moved that **SB 136 DO PASS.**

00:43:25 **Motion:** Sen. Balyeat moved that **SB 136 BE AMENDED.**  
**EXHIBIT(fis19a08)**

**Discussion:**

00:47:30 Joe Kolman  
00:48:22 Sen. Gallus  
00:49:09 Joe Kolman  
00:50:15 Sen. Balyeat

00:50:55 **Vote:** Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy.

00:51:23 **Motion/Vote:** Sen. Balyeat moved that **SB 136 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Sen. Shockley and Sen. Wittich voted by proxy.

00:51:51 Sen. Wittich joined the meeting.

**EXECUTIVE ACTION ON SB 160**

00:52:34 **Motion:** Sen. Gallus moved that **SB 160 DO PASS.**

**Discussion:**

00:58:17 Sen. Wittich  
00:58:33 Joe Kolman  
00:59:38 Sen. Balyeat

01:01:08 **Motion/Vote:** Sen. Jent moved that **SB 160 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Shockley voted by proxy.

**EXHIBIT(fis19a09)**

01:01:47 **Motion/Vote:** Sen. Jent moved that **SB 160 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Shockley voted by proxy.

**EXECUTIVE ACTION ON SB 43**

01:03:09 **Motion:** Sen. Facey moved that **SB 43 DO PASS.**

01:04:09 **Motion:** Sen. Facey moved that **SB 43 BE AMENDED.**  
**EXHIBIT(fis19a10)**

**Discussion:**

01:04:34 Joe Kolman  
01:05:30 Sen. Facey  
01:05:43 Sen. Hinkle  
01:06:07 Sen. Brenden  
01:07:13 Sen. Hinkle  
01:08:30 Sen. Hamlett  
01:08:58 Sen. Facey  
01:09:25 Sen. Gallus  
01:09:49 Sen. Facey  
01:10:48 Sen. Gallus  
01:11:16 Joe Kolman  
01:11:53 Sen. Facey  
01:13:19 Sen. Balyeat  
01:14:29 Sen. Hinkle  
01:15:06 Sen. Balyeat  
01:15:44 Joe Kolman  
01:16:27 Sen. Wittich  
01:17:08 Sen. Gallus  
01:17:32 Without objection from the committee, Chas Van Genderen, Parks Division  
Administrator, Fish, Wildlife and Parks (FWP)  
01:18:18 Sen. Hamlett  
01:18:31 Chas Van Genderen  
01:19:23 Without objection from the committee, Tom Ebzery, lobbyist, AVISTA  
01:21:01 Sen. Hamlett  
01:21:49 Sen. Hinkle

01:22:30 **Substitute Motion:** Sen. Balyeat moved that item 5 be segregated from the  
amendment

01:23:10 **Vote:** Without objection, committee agreed to segregate item 5 of amendment

**Discussion:**

01:23:30 Sen. Hamlett  
01:23:59 Sen. Gallus  
01:24:28 Joe Kolman  
01:24:53 Sen. Balyeat  
01:25:19 Joe Kolman  
01:25:42 Sen. Brenden

01:25:54 **Motion:** Sen. Gallus moved to strike item 1 subsection 3.

01:26:45 Sen. Balyeat  
 01:27:04 Sen. Facey  
 01:27:12 Sen. Gallus withdrew the motion.  
 01:27:19 Sen. Hamlett  
 01:27:43 Joe Kolman  
 01:28:11 Sen. Brenden  
 01:28:45 **Vote:** Motion carried 8-2 by roll call vote with Sen. Gallus and Sen. Hamlett voting no. Sen. Shockley voted by proxy.

01:29:47 **Motion:** Sen. Facey moves to strike line 16 subsection 2, "Thompson Falls State Park" and page 3 line 2 from "except" to "park."

**Discussion:**

01:31:01 Sen. Balyeat  
 01:31:17 **Substitute Motion:** Sen. Facey made a substitute motion to strike line 16 subsection 2, "Thompson Falls State Park" and page 3 line 3, "Thompson Falls State Park."

**Discussion:**

01:32:12 Sen. Balyeat  
 01:32:38 Sen. Hinkle  
 01:33:16 Sen. Brenden  
 01:34:12 **Vote:** Motion failed 5-5 by roll call vote with Sen. Brenden, Sen. Facey, Sen. Gallus, Sen. Hamlett and Sen. Wittich voting aye. Sen. Shockley voted by proxy.

**Discussion:**

01:35:40 Sen. Gallus  
 01:35:57 Sen. Balyeat  
 01:36:29 **Motion:** Sen. Facey moved that the previously segregated item 5 be adopted.

**Discussion:**

01:38:18 Sen. Wittich  
 01:38:28 Sen. Gallus  
 01:38:56 **Vote:** Motion failed unanimously by roll call vote. Sen. Shockley voted by proxy.  
 01:40:25 **Motion:** Sen. Wittich moved that **SB 43 DO PASS AS AMENDED.**  
[\*\*EXHIBIT\(fis19a11\)\*\*](#)

**Discussion:**

01:41:18 Sen. Gallus  
 01:41:33 Joe Kolman

01:42:18      **Vote:** Motion carried unanimously by voice vote of those present and voting.

**ADDITIONAL EXHIBIT:**

**EXHIBIT**(fis19a12)

Final amendment on SB 43

**ADJOURNMENT**

Adjournment:  
01:43:29

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Kevin McCue, Secretary

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Additional Documents:

**EXHIBIT**([fis19aad.pdf](#))